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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2011-128**

11 **ELIZABETH LYNN CAPORUSCIO**
12 **3101 Peninsula Road, #214**
13 **Oxnard, CA 93035**
Registered Nurse License No. 511906

A C C U S A T I O N

14 Respondent.

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17 Complainant alleges:

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19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about June 8, 1995, the Board of Registered Nursing issued Registered Nurse
24 License Number 511906 to Elizabeth Lynn Caporuscio (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2010, unless renewed.

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“(b) Use . . . alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section...”

COST RECOVERY

9. Section 125.3 of the Code provides in part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

10. Respondent is subject to disciplinary action under sections 490 and 2671, subdivision (f), in that Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a registered nurse. On November 6, 2008, in a proceeding entitled *People v. Elizabeth Lynn Caporuscio*, 2008, Super Ct. of Ventura County, Case No. 2008027023 FA, Respondent plead guilty to and was convicted of violating Vehicle Code section 23550-23152(a), a felony, [Driving Under the Influence with Prior DUI Convictions]. As part of her plea agreement, Respondent admitted the special allegation of driving with a blood alcohol content of .15 or more in violation of vehicle code section 23578. Respondent was placed on five (5) years probation, sentenced to 180 days in jail, required to install an ignition interlock device on her vehicle and pay \$2,343.00.

11. The circumstances that give rise to the conviction are as follows: On or about July 4, 2008, officers were dispatched to the scene of a traffic accident. Respondent was driving her car, and hit a curb and blew her tires out. Respondent continued to drive down the road at a high rate of speed. Respondent's vehicle came to a stop in the middle of the roadway and when the officer approached Respondent's vehicle he saw the two passenger tire rims as the rubber was

1 completely torn off. Respondent failed field sobriety tests administered by the officer and said
2 she had consumed wine. Respondent was taken into custody and booked into Ventura County
3 Jail.

4 SECOND CAUSE FOR DISCIPLINE

5 (Dangerous Use of Alcohol)

6 12. Respondent is subject to disciplinary action under section 2762 subdivision (b), on
7 the grounds of unprofessional conduct, in that Respondent used alcoholic beverages, to an extent
8 dangerous or injurious to herself, and the public. Complainant's allegations, as set forth in
9 paragraphs 10 and 11, are incorporated by reference, as though fully set forth.

10 THIRD CAUSE FOR DISCIPLINE

11 (Criminal Conviction Involving Alcohol)

12 13. Respondent is subject to disciplinary action under section 2672 subdivision (c), on the
13 grounds of unprofessional conduct, in that Respondent was convicted of a criminal offense
14 involving the consumption of alcoholic beverages. Complainant's allegations, as set forth in
15 paragraphs 10 and 11, are incorporated by reference, as though fully set forth.

16 DISCIPLINE CONSIDERATIONS

17 14. To determine the degree of discipline, if any, to be imposed on Respondent,
18 Complainant alleges:

19 a. On or about November 2, 1999, in a prior criminal proceeding entitled State of
20 California v. Elizabeth Lynn Caporuscio, in Los Angeles Municipal Court, Case Number
21 9MA01823, Respondent was convicted for violating Vehicle Code section 23152(b) [Driving
22 under the influence with blood alcohol content greater than 0.15%]. The record of the criminal
23 proceeding is incorporated as if fully set forth.

24 b. On or about July 11, 2001, in a prior criminal proceeding entitled State of California
25 v. Elizabeth Lynn Caporuscio, in Los Angeles Superior Court, Case Number 1MA00837,
26 Respondent was convicted for violating Vehicle Code section 23152(a) [Driving under the
27 influence]. The record of the criminal proceeding is incorporated as if fully set forth.
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1 c. On or about April 11, 2003, in a prior criminal proceeding entitled State of California
2 v. Elizabeth Lynn Caporuscio, in Los Angeles Superior Court, Case Number 3MA00074,
3 Respondent was convicted for violating Vehicle Code section 23152(b) [Driving under the
4 influence with blood alcohol content greater than 0.15%]. The record of the criminal proceeding
5 is incorporated as if fully set forth.

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7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 511906, issued to
11 Elizabeth Lynn Caporuscio;

12 2. Ordering Elizabeth Lynn Caporuscio to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
14 125.3; and

15 3. Taking such other and further action as deemed necessary and proper.
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18 DATED: 8/16/10

19 *for* Stacie Benson
20 LOUISE R. BAILEY, M.ED., RN
21 Interim Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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